IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8587 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARKISHAN G. SHETH

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8587 of 1994

MR ANSHIN H DESAI for Petitioner No. 1-5

DS AFF.NOT FILED (R) for Respondent No. 1,3,8

MR YOGESH S LAKHANI for Respondent No. 2

MR BM MANGUKIYA for Respondent No. 4-7

M/S THAKKAR ASSOC. for Respondent No. 9

NOTICE NOT RECD BACK for Respondent No. 10-12

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 26/12/2002

ORAL JUDGEMENT

Heard learned advocate Mr. A.H. Desai for the petitioner; Mr. H.C. Patel, learned AGP for the respondents no.1-3; Mr. Lakhani,learned advocate for respondent No.2; Mr. B.M.Mangukia, learned advocate for respondents no. 4 to 7; Mr. Pahwa for M/s. Thakkar Associates for respondent no. 9. Though the respondents no. 10, 11 and 12 were impleaded as a party respondents to this petition as per the order passed in Civil Application NO. 5366 of 1996, nobody has appeared on their behalf. This petition was admitted by this court by issuing rule thereon on 25th August, 1994 and mean time, ad.interim relief was ordered to continue till the final disposal of this petition.

Today, when the matter was taken up for final hearing, learned advocate Mr.B.M. Mangukia appearing for the respondents no. 4 to 7 has given consent before this Court for setting aside the orders passed by the Gujarat Revenue Tribunal in revision application no. 16 of 1993 and 25 of 1993 dated 28th April, 1994 and has also given consent for setting aside the order passed by the Collector, Junagadh in revision case no. 28 of 1992 dated 6th March, 1993. Learned advocate Mr. Pahwa appearing for M/s. Thakkar Associates for respondent no.9 has submitted that there is no substance in the petition and the same is liable to be dismissed. I have also considered the submissions made by the learned AGP on behalf of the respondent authorities.

Considering the submissions made by Mr. Desai, learned advocates for the parties, I am of the view that the present petition is required to be allowed in view of the consent given by the learned advocate Mr. B.M. Mangukia for setting aside the orders passed by the Tribunal dated 28th April, 1994 as well as the order passed by the COllector, Junagadh dated 6th March, 1993 are required to be quashed and set aside. Accordingly, order dated 28th March, 1994 passed by the Gujarat Revenue Tribunal as well as the order dated 6th March, 1993 in revision case are hereby quashed and set aside. This petition is accordingly allowed. Rule is made absolute in terms indicated hereinabove with no order as to costs.

Dt.26.12.2002. (H.K. Rathod,J.)

Vyas